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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Note by the Chairman

1. At its fifty-seventh session, the Commission on Human Rights held a special debate on the theme of tolerance and respect on Monday, 26 March 2001.

2. Before beginning the special debate on that day, the Commission endorsed the recommendations of the Bureau and, although no formal result of the debate was expected, the conclusions of the panellists, and in particular the Chairman, were of great interest in the light of the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

3. The conclusions reached by the participants in the debate are set out in the summary records (see documents E/CN.4/2001/SR.11-13).

4. The conclusions prepared by the Chairman are annexed to the present note.

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Annex

CONCLUSIONS OF THE CHAIRMAN OF THE COMMISSION ON HUMAN RIGHTS CONCERNING THE SPECIAL DEBATE HELD BY THE COMMISSION AT ITS FIFTY-SEVENTH SESSION ON THE THEME OF TOLERANCE AND RESPECT

Background to the special segment

1. Following the Commission's practice over the past four years of selecting a topic for priority treatment, the special debate on tolerance and respect was held on 26 March 2001.

2. After the opening statements by Mr. Leandro Despouy, Chairman of the Commission, and Ms. Mary Robinson, United Nations High Commissioner for Human Rights, on the theme "Tolerance and respect", the sub-themes of "Reconciliation", "Social exclusion", "Religion", "Gender", "Migrants" and "Education" were addressed by the following speakers: Archbishop Desmond Tutu,[1] Senator Aden Ridgeway,[2] Sheikh Sahib Ben Sheikh,[3] Ms. Nafis Sadik,[4] Father Dominique Peccoud[5] and Ms. Cecilia Braslavsky.[6]

3. The topics were developed at three meetings of the Commission. Three statements were made at the morning meeting, followed by a debate in which governmental delegations of member States, observers and NGOs participated. The same procedure was followed at the afternoon meeting, and a large part of the last night meeting was devoted to the concluding observations of the panellists and the Chairman's own conclusions.

4. The first observation emerging from the debate relates to the importance, relevance and topicality of the theme selected, since it falls within the context of the United Nations Year of Dialogue among Civilizations, proclaimed by the General Assembly, and the debate was held shortly before the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in Durban (South Africa) in September 2001. Racism and xenophobia are extreme expressions of intolerance; consequently, respect and tolerance are attitudes that should be promoted in order to prevent such conduct and to attain higher forms of social harmony.

5. Tolerance is the minimum level of human behaviour to be expected, but respect requires something more: positive action based on recognition of the value of the human being and his dignity, which is common to all who live on this earth. This is recognized in the Preamble to the Universal Declaration of Human Rights.

6. As stated by Ms. Robinson, a key element in preventing racism, xenophobia and intolerance is to try to understand why the differences between human beings are frequently viewed as a threat. Intolerance generally originates from fear of the unknown and fear of what is different. Fear of others, fear of the loss of personal security and even, occasionally, fear of economic competition. For this reason, we must strive to reduce the harmful consequences of fear to the fullest extent, seeking innovative mechanisms in order to eliminate it.

7. The special segment was held in a harmonious and constructive atmosphere, to which everyone - panellists, member and non-member States, and NGOs - was able to make a contribution on an equal footing. The fact that no reminder or appeal was necessary concerning speaking time or the content of statements proved that it is possible to conduct a fruitful dialogue between the various human rights players on such a sensitive and complex theme. These lessons are particularly meaningful in the light of the Durban conference and the preparatory work currently under way.

I. RESPECT, TOLERANCE AND NATIONAL RECONCILIATION

8. Tolerance and respect are substantive elements in preventing the degradation which is the culmination of discrimination and intolerance. Abstention from vengeance, even in the face of those who have practised it, was the theme of the address by Archbishop Desmond Tutu, who described the historic experiment in national reconciliation currently under way in his country following the abolition of the racist apartheid regime.

9. In his captivating address, Monsignor Tutu made a number of points which sometimes appear to be forgotten: if we applied the saying "an eye for an eye, a tooth for a tooth" literally, all of us would end up blind. We have been born to live together and to enjoy the company of others. A person exists as a person through other persons. Someone who does harm also harms himself. Complementarity and diversity are two concepts inherent in nature, and the richness of the universe seen from the standpoint of diversity is immense. Monsignor Tutu reminded us that, irrespective of our condition, the common and universal factor was human dignity.

10. Perhaps his main point was the significance acquired by reconciliation in the South African national process: the decision to promote reconciliation and not vengeance as the chief tool for emerging from the former terrible situation enabled the people not to remain rooted in the past. "No to resentment, no to revenge" were his principal watchwords.

11. All this is of particular value in that it came from someone who, in addition to being a philosopher, humanist and religious leader, experienced the horrors of apartheid at first hand.

12. International solidarity and, in particular, the work done by certain bodies such as the Commission on Human Rights in the fight against the apartheid regime were of undeniable importance. Thanks to the struggle of the South African people and the international community, Nelson Mandela was released and later succeeded in becoming President.

13. To forgive does not mean to forget or to accept what has been done to us. To forgive means refraining from exercising the possibility of avenging oneself. And it does not mean impunity, since in South Africa the amnesty only applied to crimes for which the perpetrators publicly acknowledged responsibility.

14. In addition, in the South African experience, the subject of redress was always linked to questions of a spiritual nature, to knowledge of the truth and to reconciliation, rather than to financial redress in the traditional sense of the term. What the victims and their relatives asked

for was for a street to be named after a victim or a gravestone to be provided for a son - in other words, things which in themselves had the value of staunching the grief caused by what had been an historic tragedy; fundamentally, the important point was to look to the future.

15. Lastly, he made an appeal which moved all who heard it: an appeal to dream God's dream. It is possible to dream, he said, that Palestinians and Jews will live in peace in their respective homes.

II. TOLERANCE, RESPECT AND SOCIAL EXCLUSION

16. In order to gain an understanding of the difficulties confronting the indigenous populations in the effective exercise of their human rights, the statement by Senator Ridgeway, the only Australian Aboriginal member of Parliament, who has had long experience in the struggle of the indigenous peoples, was of particular significance.

17. He referred to the efforts being made by the Australian Government through the Council for Aboriginal Reconciliation, and to the difficulties arising both from the existing legislation and from the actual socio-cultural situation in Australia.

18. It clearly emerged from his observations that, in the face of the difficulties confronting the vulnerable groups, groups which had been historically excluded, marginalized or ill-treated, the problem was not merely the need to recognize their rights, but to guarantee the effective exercise of those rights. To that end what was needed was not only legal provisions, but also an attitude on the part of the various social players that would permit and promote the exercise and enjoyment of rights on an equal footing. In all this there undoubtedly existed a cultural challenge, in addition to questions of a legal nature.

19. In order to end the existing inequality, it was important to pay particular attention to certain policies which, instead of promoting better performance and a break with the bonds of subjection, accentuated dependency. For that reason, it was of decisive importance to stimulate training and support for the development of the inherent capacities of the populations who had suffered discrimination, and thereby bring about their social integration and access to the full exercise of human rights.

20. Agreeing with Monsignor Tutu in his conclusions, Senator Ridgeway stated that the process of reconciliation was fundamental for, in its absence, the past was carried over into the present. Thus, the pain of discrimination was projected towards the future. He also agreed on the sensitive question of financial compensation. He emphasized the capital importance of recognition of the truth with respect to what had actually happened. With regard to compensation, he stressed the importance of associating the victims in the consideration of all questions relating to them.

21. He laid great stress on the importance of respecting diversity, pluralism and inter-generation projects as central factors to be considered in education and culture. At the same time, he emphasized the need for respect and tolerance and stressed the word "understanding", a concept which was of great significance for harmonious coexistence.

22. He highlighted the value of cultural identity and the importance of education, and cited an example which provided encouragement for everyone, namely, the fact that a member of the indigenous population had taken part in the Sydney Olympics. The thrust of his message was recognition of the fact that that was not only possible for the Aboriginal peoples themselves, but was also a significant development in his country's image in the eyes of the world.

23. In conclusion, he formally appealed for a declaration on the rights of indigenous peoples to constitute the principal benchmark for the objectives embodied in those peoples' struggle at the global level.

III. TOLERANCE, RESPECT AND RELIGION

24. In a significant statement, Sheikh Sahib Ben Sheikh, the Mufti of Marseille (France), speaking on the basis of what may be termed an ethic common to all mankind - over and above religion, called for respect for man as such. Basically, he wished to transmit the conviction that a belief cannot be imposed. That was closely connected with the problems currently experienced with regard to religious questions.

25. All listeners undoubtedly appreciated his self-critical observation that some acts of barbarism committed in the Muslim world could not be concealed and could not escape stigmatization, because those acts of barbarism were suffered by all, and primarily Muslims themselves. He contributed conviction and optimism, since the dialogue between religions, faiths or beliefs was one of the areas where discussion and debate on the subject of human rights could make fruitful progress, and that could avert polarization where religious questions were sometimes intermingled with politics.

26. He also spoke of the universal religion which is Islam, the conveyor of extraordinary values. He further stated that when it conveyed values relating to justice, those values could not be filed away in some archive of history, but must be brought up to date. He made an appeal which all of us can echo, because it was precisely along the lines of our work, in the quest for tolerance.

IV. TOLERANCE, RESPECT AND GENDER

27. Ms. Nafis Sadik emphasized the impact of the issue of women around the world and, at the same time, the negative effects on human rights of the numerous acts of discrimination against women, who made up such a high percentage of the population. Women were currently in a situation of disadvantage compared with men, in spheres such as education, employment or health. In order to illustrate all the difficulties, she recounted her own experience as a woman during her long international career and in the area of communication.

28. The gender question could not be reduced to the term "women" but covered the broader sphere of the relationship between men and women, girls and boys, in other words, recognition of two different people between whom there should not exist an unjustified hierarchy, but a relationship of genuine equality and complementarity.

29. Some examples showed that very often women, apart from the unfavourable situation in which they found themselves as victims of sex-related discrimination, saw their situation aggravated by extreme poverty or being a refugee, migrant or displaced person, circumstances which might be added to racial discrimination.

30. Ms. Sadik took as her starting-point the premise that no society can allow a group to be discriminated against. Accordingly, any discriminatory practice must be interpreted as an abnormality or distortion. Evidence of that view was to be found in the many positive adaptations and changes which had taken place in recent years. Thus, for example, slavery, rape and incest were disappearing as practices accepted by some cultures and were becoming actual crimes carrying penalties.

31. She stressed the existence of essential values common to all cultures and civilizations which must be supported and safeguarded. She advocated a number of very useful practical measures: the protection of women, reproductive health, protection against violence, full education, and a break with the stigmas and stereotypes which damaged the relationship between the sexes and directly harmed women.

32. She highlighted the importance of establishing a constructive dialogue on the rights of women, the need for their incorporation in national legislation and recognition of international instruments such as the Convention on the Elimination of All Forms of Discrimination against Women.

33. She considered that the gender dimension should be incorporated in all questions taken up in the United Nations, since it constituted a problem which ran through all of them. In addition, the power ratio which frequently underlay relations between the sexes should not be disregarded. There was every indication that a positive change was imminent, proof being that those questions were today the subject of public discussion, as was borne out by the present forum.

V. TOLERANCE, RESPECT AND MIGRANTS

34. Father Dominique Peccoud, ILO Special Adviser, raised another very topical problem: immigrant populations. He too sounded an alarm about the circumstances that encourage or in some way provoke migration.

35. Globalization constituted one of the factors which had the greatest impact on the phenomenon of migration. The new information and communication technologies had been opening a great "window" through which the poor populations saw the wealth which accompanied frenetic consumerism. That explained why very many women and men in poor countries sought to emigrate to rich countries in the hope of finding work and earning more for themselves and their families.

36. Reality showed that that world of opportunity frequently did not live up to its promise since a high percentage of would-be migrants were victims of trafficking networks, or unscrupulous recruitment agencies or employers who subjected migrants to the worst forms of

exploitation and to marginalization and discrimination in the country of immigration. But it was not only financial motives that drove people to emigrate, but also the socio-economic and socio-political conditions in their countries, and very often those factors were compounded by religious fundamentalism and/or inter-ethnic or ideological clashes.

37. He explained how social discrimination may become a powerful factor in the destabilization of a whole society. Among the principal remedies, he mentioned the importance of recognizing the human dignity of migrants and accepting their integration in sectors where that was possible and necessary for the receiving countries. In that connection, he emphasized the crucial role of the media.

38. He denounced the frequent political manipulation of the subject of immigration and invited participants to undertake a kind of democratic lobbying in order to induce countries to ratify the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the relevant ILO conventions.

VI. TOLERANCE, RESPECT AND EDUCATION

39. In her introduction, Ms. Cecilia Braslavsky gave a number of examples of covert discrimination and showed the extent to which it entered social and educational patterns, often sowing the seeds of intolerance or lack of respect. She highlighted equality of opportunity as one of the fundamental prerequisites for education in respect and tolerance, the actual quality of education and specific education on both subjects being of the highest importance. That was achieved not only through major education plans, but also by generating a positive synergy between government authorities, family, school, media, business, etc.

40. She emphasized the content of education, given that education frequently departed from values and history, giving preference to technical or functional subjects such as knowledge of computing or languages and neglecting essential questions such as the understanding of phenomena. She also underlined the need to move towards an education in values in order to train sensitive and analytical human beings, able to recognize a positive value in diversity. She placed those guidelines within the context of a cultural change, in which education, both formal and informal, constituted one of the main instruments of genuine citizenship.

VII. CONCLUSIONS

41. The statements by participants confirmed and elaborated on those main ideas, with regard to both their content and the efforts being made in the implementation of policies at the national level.

42. From the standpoint of human rights, it is important to note, in the light of the various statements by participants, that both discrimination and exclusion may result from subjective (intolerance, prejudice) and systemic factors (extreme poverty, deprivation). In both cases, what is serious is that each of these factors has a negative effect on the others thereby generating a descending spiral in which the factors follow each other in a chain.

43. Thus, people living in poverty, for example, suffer not only financial problems, but also difficulties with regard to work, health, education, integration, the exercise of their civil and political rights, etc. The important point is to establish the way in which each of these unfavourable factors negatively affects the others, giving rise to a chain of deprivation which, as it accumulates, tends to project itself throughout the whole life of the persons affected and to be transmitted from generation to generation.

44. It is essential to unravel the perverse logic which contributes to discrimination and exclusion, since what is involved is absolute deprivation of the exercise of human rights.

45. Thus, for example, through slavery the individual was assimilated to an object, a mere tool. But as the individual recovered the exercise of rights, the human being emerged in all his splendour and greatness. Similarly, when the coloured people of South Africa regained the exercise of their human rights, there emerged a nation, a people which has been able to offer one of the most significant examples for mankind. That enables us to say, without aspiring to a great utopia and as the first participant in the special debate invited us to do, that it is possible to "dream God's dream".

46. The statements by the participants have made it clear that mankind is fully aware of the negative consequences for modern societies of racial discrimination, racism, xenophobia and intolerance. Both the tragedies of the past (such as Nazism and apartheid) and those which have occurred very recently (in the Balkans and the Great Lakes region) had a profound impact on human rights as a whole. They showed that discrimination was not merely the denial of a fundamental right such as the right to equality, but basically the gateway for many other violations, often culminating in deprivation of the right to life.

47. There is also awareness of the factors which generate and propagate those sinister phenomena. The special segment has shown the extent to which mankind has remedies to ward them off. The great challenge today is to put them into effect, and there is no doubt that, for that to take place globally, it is necessary to engage in an inter-generation and inter-cultural dialogue encompassing all civilizations. Durban thus represents an outstanding opportunity for that purpose. The special segment has indicated in advance that this is possible, and that Governments, intergovernmental organizations and non-governmental organizations can hold constructive dialogues. If these conclusions reaffirm this conviction, they will have achieved their purpose.

Notes

[1] Nobel Prize winner in 1984, President of the South African Truth and Reconciliation Commission in 1995.

[2] Member of Parliament representing indigenous persons in the Australian Federal Parliament.

[3] Mufti of Marseille (France), Specialist in Islamic studies and the Universal Declaration of Human Rights.

[4] Special Adviser to the Secretary-General, Executive Director of the United Nations Population Fund.

[5] Special Adviser, Bureau for External Relations and Partnerships, ILO.

[6] Director, International Bureau of Education, UNESCO, at Geneva.